


Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” FED. R. CIV. P. 72(b). Having conducted a *de novo* review in accordance with Rule 72, the Court will accept the disposition set forth in the R & R.

Accordingly, the Court rules as follows:

- (1) The R & R (Docket No. 16) is hereby ACCEPTED and APPROVED;
- (2) Plaintiff's Motion for Judgment on the Record (Docket No. 11) is hereby GRANTED; and
- (3) the case is hereby REMANDED for further administrative proceedings consistent with the Magistrate Judge's R & R.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE